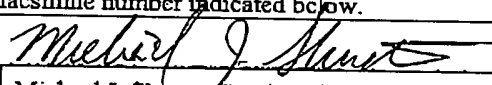


**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE**

APPLICANTS: Carl Alexander Kamb and Mark Poritz
APPLICATION NO.: 09/929,663
FILING DATE: August 14, 2001
TITLE: Process for Identification of Genes, Perturbagens and Cellular Targets Relating to Viral Growth and Disease
CONFIRMATION NO: 9978
EXAMINER: Jeffrey Norman Fredman
GROUP ART UNIT: 1637
ATTY. DKT. NO.: 23542-07404

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Typed or Printed Name:	Michael J. Shuster, Registration No. 41,310	Dated:	December 19, 2002
Facsimile Number:	1-703 305-3014		

COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT

Responsive to the Office Action in the above matter dated December 9, 2002, in which the claims were restricted into Group I (Claims 1 through 8) and Group II (Claims 9 through 13), Applicants elect with traverse the invention of Group II.

Restriction is proper where inventions are independent or distinct and failure to restrict imposes a serious burden on the examiner. If search and examination of an entire application can be made without serious burden, the examiner must examine the

Application Serial No. 09/929,663
Attorney Docket No. 23542-07404

case on the merits, even though it includes claims to independent or distinct inventions (MPEP Section 803, August 2001).


Applicants request reconsideration of the restriction requirement on the basis that search and examination of the entire case would not pose a serious burden. Group I comprises a single independent claim (Claim 1) and Group II comprises two independent claims (Claims 9 and 11). Only thirteen claims are pending in the case, thus the total number of claims is small. Furthermore the claims of Group I and Group II both require search to locate art related to the growth of virally infected cells. In addition the claims of Group I require search to locate art relating to introduction of a perturbagen into a cell, and the same search is required for each of the dependent claims of Group II. For these reasons, Applicants respectfully submit that no undue burden would result if the restriction requirement were withdrawn.

Favorable action and allowance of all claims now pending, Claims 1 through 13, are respectfully solicited.

Respectfully submitted,
Carl A. Kamb and Mark Poritz

Date: December 19, 2002

By:


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FROM: Michael J. Shuster

PHONE: (415) 875-2413

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MESSAGE:

In re: Application No. 09/929,663, filed August 14, 2001.

Attorney Docket No. 23542-07404 (formerly 20410-7011)

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0001/PTO Rev. 10/95		U.S. Department of Commerce Patent and Trademark Office		Application Number	09/929,663		
TRANSMITTAL FORM <i>(to be used for all correspondence during pendency of filed application)</i>				Filing Date	August 14, 2001		
				First Named Inventor	Carl A. Kamb et al.		
				Confirmation No.	9978		
				Group Art Unit Number	1637		
				Examiner Name	Jeffrey Norman Fredman		
Total Number of Pages in This Submission		3	Attorney Docket Number		23542-07404		

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